

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
John Hyle  
  
Respondent

Civil Citation No.54353  
  
7 E. Burke Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 17, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310 (a)(b) failure to cease the improper storage of garbage, rubbish and trash; section 13-4-201 (d) failure to keep property free of improperly stored solid waste, failure to store trash in containers with tight fitting lids; Baltimore County Zoning Regulations (BCZR) section 101, 102, 1B01.1D, failure to remove open dump on residential property known as 7 E. Burke Avenue, 21286.

On February 23, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Correction Notices and Citations have been issued for similar violations at this row house property since at least April 2007. Civil penalties have been imposed including \$1,000.00 (one thousand dollars) in June 2007 and \$500.00 (five hundred dollars) in January 2009.

B. The current Citation was issued on February 23, 2009 for failure to store garbage properly in containers with tight-fitting lids, and for open dump conditions. Photographs of the yard taken March 16, 2009 show garbage in a can with no lid, and household junk and trash strewn on the ground including a rug, broken lamp, and old air conditioner.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars) and placed as a lien upon the property

IT IS FURTHER ORDERED that Respondent remove all junk, trash and debris from the property and store garbage correctly in containers with tight-fitting lids.

IT IS FURTHER ORDERED that the County re-inspect the property to determine whether the violations have been corrected.

ORDERED this 18<sup>th</sup> day of March 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer